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RUSSIAN FEDERATION

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I. LAND AND PEOPLE

1. The Russian Federation (Russia) is a State with a total area of 17,075,400 km², situated in eastern Europe and northern Asia, and bordering on the following States: Finland, Norway, Sweden, Estonia, Latvia, Lithuania, Poland, Belarus, Ukraine, Georgia, Azerbaijan, Kazakhstan, China, Mongolia, Democratic People's Republic of Korea, Japan and United States of America.

2. The climate ranges in type from maritime in the far North-West to markedly continental in Siberia and monsoonal in the Far East. The landscape zones are arctic desert, tundra, wooded tundra, wooded steppe, steppe and semi-desert. The numerous plains, tablelands, mountain ranges, rivers and lakes form a unique natural setting that has done much to determine the traditions and distinctiveness of the country.

3. The Russian Federation is made up of 21 republics, 6 territories [krai], 49 regions [oblast], 2 cities with federal status - Moscow and Saint Petersburg, one autonomous region, and 10 autonomous areas [okrug]. Within the Federation there are 1,067 towns, including 13 with more than 1 million inhabitants, 2,070 settlements of urban type, and 1,867 administrative districts [raion].

4. The (actual) population on 1 January 1994 numbered 148,400,000, of whom 108,400,000 (73.1 per cent) were town dwellers and 40,000,000 (26.9 per cent) rural dwellers.

5. Population density per km² ranges from 372.9 in Moscow and Moscow Region to 0.03 in the Evenki Autonomous Area. Out of the total population, 69,400,000 are male (46.9 per cent) and 78,600,000 (53.1 per cent) are female.

6. Age structure: 39,000,000 of the population of the Federation (26.2 per cent of the total population of the country) are no more than 18 years old; people of working age (males between 16 and 59 years old and women between 16 and 54 years old) account for 56.7 per cent; those of pensionable age account for 20.0 per cent.

7. Ethnic mix: According to the 1989 Census returns, people of more than 120 nationalities and ethnic groups live in Russia. Russians, of whom there are 120,000,000, comprise 82 per cent of the total. Other nationalities with a population in excess of 1 million include: Tartars, 5.5 million (3.8 per cent of the total); Ukrainians, 4.4 million (3.0 per cent); Chuvash, 1.8 million (1.2 per cent); Bashkirs, 1.3 million (0.9 per cent); Belarusians, 1.2 million (0.8 per cent), and Mordvins, 1.1 million (0.7 per cent).

8. Some 18 million of the population of Russia (12 per cent) have their own national State structures within the country, and there are also some 7,500,000 members of the indigenous peoples of other independent States within the Commonwealth (5.1 per cent), along with 351,000 citizens of other nationalities (0.2 per cent) that do not have their own national State structures.

9. Educational level: According to the 1989 Census returns, 91,100,000 people 15 years old or older have received secondary education (complete and incomplete secondary schooling) or higher education; this figure is 80.6 per cent of the population in this age range. Among the country's specialists, 30.5 per cent (34,400,000 people) have higher and specialized secondary education, while 27.4 per cent (31,000,000 people) have general secondary education. Of the 23,700,000 people with incomplete secondary schooling, 4,700,000 are 15-17 years old, and the vast majority of them (87 per cent) are continuing their studies; most of the people with no more than an incomplete secondary education are in the older age groups.

10. Gross Domestic Product, which began to be used as an indicator in the economic calculations of the Russian Federation in 1989, was 644 billion roubles in 1990 and 1,300 and 18,063 billion roubles respectively in 1991 and 1992, while the provisional estimate for 1993 is 162.3 trillion roubles (in current prices). The per capita produced national income of the Russian Federation (in current prices) was 7,100 roubles in 1991, 98,500 roubles in 1992, and (according to a provisional estimate) 806,900 roubles in 1993.

11. The consolidated consumer price index, which reflects changes in the cost of a range of consumer goods and services, rose in 1993 to 939.9 per cent of the December 1992 level, within which the rise for foodstuffs was 904.9 per cent, and for commodities other than food 741.8 per cent. At the end of January 1994 there were 893,635 registered unemployed, of whom 707,727 were in receipt of benefit. Of the unemployed, 26 per cent had been discharged from enterprises, institutions and organizations in connection with liquidation, reorganization and reductions in the numbers of staff. Seventy per cent of the unemployed were women and 16 per cent were young persons up to 22 years of age.

12. Mean length of life is 67.9 years (1992); 62.02 years for men and 73.75 years for women. The infant mortality rate is 19.3 per thousand births (1993). The maternal mortality rate is 50.8 per 100,000 births (1992). The birth rate is 9.4 per thousand of the population (1993); the number of children per woman is not calculated.

II. GENERAL POLITICAL STRUCTURE

A. Brief historical outline

13. The Great Migration in the second to fourth centuries A.D. witnessed the migration of the Slavonic tribes in eastern Europe, their development of the areas occupied and their interaction with the neighbouring Balts, Finno-Ugrians, Goths, Huns and some other nomadic tribes. In the sixth century the East Slav branch (the future Russian, Ukrainian and Belarusian peoples) split off from the common Slavonic stock. Individual early Slavonic States had been formed by the ninth century.

14. A unified Old Russian Nation took shape in the ninth to eleventh centuries in Kiev Rus. The Old Russian State of Kiev Rus, founded in 882, adopted the Orthodox variant of Christianity as the State religion in 998. The social structure of the Old Russian State was consolidated by a Code of Laws - the Russkaya pravda - created on the instigation of Yaroslav the Wise (1019-1054).

15. The eleventh to fourteenth centuries were a period of feudal fragmentation for Rus: division into separate lands; the struggle against nomadic tribes, the Tatars and Mongols and the Lithuanian Order; the Tartar Yoke; the Battle of Kulikovo (1380).

16. The years 1380-1500 witnessed the unification of lands that had been Russian from time immemorial - North-East and North-West Rus - as a centralized State. In 1480 the Tartar Yoke was thrown off. During the years from the late fifteenth century to the early seventeenth century the formation of the Russian centralized State was completed and it developed as a part of world civilization.

17. During the years 1500-1800 a multinational State centred on Moscow was established from the Baltic Region to the Pacific Ocean, incorporating the peoples of the Volga Region, the Urals and Siberia. These were the years of the struggle against the joint Polish and Lithuanian intervention and the Swedish intervention (early seventeenth century), the Legal Code of 1649, the Peasant War led by Stenka Razin, union with Ukraine (mid-seventeenth century), the acquisition of an outlet to the Baltic by the Russian State as a result of the Northern War of 1700-1721, the proclamation of Peter the First as Emperor in 1721 and the upsurge and development of the country in the epoch of the Petrine reforms, the reign of Catherine the Second, the absolutism of the Enlightenment, the Peasant War led by Emelyan Pugachev, the Russo-Turkish wars of 1768-1774 and 1787-1791 and Russia's acquisition of an outlet to the Black Sea.

18. 1800-1917. One consequence of the beating back of Napoleon's invasion (1812) was an intensification of internal contradictions and strife.

The Decembrist uprising in Petersburg was the beginning of the Russian revolutionary movement which led - against the background of defeat in the Crimean War (1853-1856), the halfheartedness of the land reform and the abolition of serfdom (1861), the spread of the ideas of Marxism and anarchism, terrorism and extremism, the revolution of 1905-1907 and the worsening of the situation in connection with the First World War - to the curtailment of democratic institutions (the First, Second, Third and Fourth State Dumas of 1906, 1907-1912, and 1912-1917), the overthrow of the autocracy in February 1917 and the Bolshevik Revolution in October 1917.

19. 1917-1991. The RSFSR, constituted on 25 October (7 November) 1917, became the nucleus of the military and political Union of Soviet Republics that subsequently combined (on 30 December 1922) to form a single State - the USSR. The main stages in this period were victory in the Second World War, to the achievement of which the USSR made the largest contribution and in which it made the greatest sacrifices, the start of the collapse of totalitarianism, the dethroning of the personality cult, the Krushchevian "thaw", the first tentative moves towards democracy and market relations, the Stalinist backlash under Brezhnev, and the indecisiveness of Gorbachev's perestroika. The putsch of August 1991 was the final testimony to the untenability of the Soviet model, and the USSR ceased to exist by the end of 1991 (25 December). Its successor in title became the RSFSR, which had proclaimed its sovereignty (the Declaration on State Sovereignty of 12 June 1990).

20. 1992-1993. Following the formation of the Commonwealth of Independent States Russia began to pursue a course of the deepening of reform and acceleration of the pace of advance to new principles of statehood. The switchover from the predominantly unitary structure of Russia to a federal structure was ushered in by the signing of the Federal Treaty on 31 March 1992, which established the spheres of authority and competence of the Federation and of its members. The conflict between the Legislature and the Executive in the country was ended on 21 September 1993 with the dissolution of the Congress of People's Deputies, the elections for which had been held under Soviet electoral law. This cleared the way for the holding on 12 December 1993 of the first free democratic elections in Russia and the adoption of a new Constitution, after which it was possible to proceed to the second stage of the reform, the essence of which was to bring a considerable corpus of laws and statutory instruments into line with the Constitution.

B. State structure and organization of the Legislature and the Executive

21. Russia is a democratic federal State subject to the rule of law with a republican form of Government (Constitution, art. 1), a social and secular State (arts. 7 and 14), in which the unity of the economic area is guaranteed (art. 8).

22. Sovereignty is vested in the multi-ethnic Russian nation, the sole repository of power (art. 3).

23. Pluralism is ensured in Russian society by the recognition of ideological and political diversity and the multiparty system, and no ideology may establish itself as the ideology of the State or as an obligatory ideology (art. 13).

24. Russia is made up of the members of the Federation, which have equal rights: the republics, each with its own Constitution and legislation, and the krais, oblasts and cities with federal status, an autonomous oblast and autonomous okrugs, each with their own charters and legislation (art. 5). The spheres of authority and competence of the Federation and of its subjects laid down by the Federal Treaty of 31 March 1992 take into account the specific features of the various types of members of the Federation: national State structures (republics), administrative areas (krais, oblasts and the cities of Moscow and Saint Petersburg) and national autonomous regions (krais, okrugs). The Constitution specifies that, in the event of a discrepancy between its provisions and those of the Federal Treaty, its provisions shall prevail (Section Two, Part I). On 15 February 1994 it was recognized that the Republic of Tatarstan had special status as a State united with Russia by two Constitutions (those of Russia and Tatarstan) and by the Treaty on the Demarcation of Spheres of Competence and Reciprocal Delegation of Powers between the State Bodies of the Russian Federation and the Republic of Tatarstan. Under this Treaty it is incumbent on the State bodies of the Republic of Tatarstan to ensure protection of human rights and the rights of the citizen in the territory of Tatarstan.

25. Local self government by bodies that do not form part of the apparatus of State and whose structure is decided independently by the population is guaranteed in Russia (arts. 12 and 131).

26. The Federal Assembly - the Russian Parliament - which is the representative and legislative body of the Russian Federation (art. 94), consists of two chambers - the Federation Council and the State Duma (art. 95). Executive power is exercised in Russia by the Government of Russia (art. 110). The Head of State is the President of the Russian Federation, who is the guarantor of the Constitution and of human and civil rights and freedoms, who determines the main lines of domestic and foreign policy and represents the State within the country and in international relations (art. 80). The department of the Office of the President that handles correspondence with and receives members of the public deals annually with some 400,000 appeals to the President, including claims concerning violations of human rights.

27. The right to initiate legislation is possessed by the President, the Federation Council, members of the Federation Council, deputies of the State Duma, the Government, and the legislative (representative) bodies of members of the Russian Federation, and also by the Constitutional Court, the Supreme Court and the High Court of Arbitration on matters concerning their jurisdiction.

C. Organization of legal bodies

28. The following basic principles of the organization and operation of legal bodies are guaranteed in the Constitution of Russia:

Independence of judges (art. 120);

Irremovability of judges (art. 121);

Inviolability of judges (art. 122);

Prohibition of the establishment of extraordinary courts (art. 118);

Adversarial nature and equality of the parties in the judicial process (art. 123).

D. Protection for human rights in court proceedings

29. The Constitution of Russia contains the following basic guarantees of human rights in court proceedings:

(a) equality of rights: "All persons shall be equal before the law and the court" (art. 19); public and religious associations are equal before the law (arts. 13 and 14);

(b) inalienability of human rights: "Fundamental human rights and freedoms are inalienable and belong to every individual from the time of birth" (art. 17);

(c) direct effect of human rights: "Human rights and freedoms shall be directly effective" (art. 18);

(d) defence of the right to life and personal dignity: "Every person shall have the right to life" (art. 20), "The dignity of the individual shall be protected by the State" (art. 21); "No one may be subjected to torture, violence or other cruel or degrading treatment or punishment" (art. 21);

(e) legal protection: "Every individual shall be guaranteed legal protection of his of her rights and freedoms" (art. 46); "State protection for human and civil rights and freedoms in the Russian Federation shall be guaranteed" (art. 45); the right to use the assistance of a lawyer (art. 48);

(f) presumption of innocence (art. 49);

(g) access to the courts and the right to compensation for loss and damage suffered (arts. 52 and 53).

30. The legal system of Russia is laid down by the country's Constitution and by Federal constitutional law. In accordance with the Judicial System Act of 1981 as amended in 1992 and 1993, the legal system of Russia consists of the Supreme Court of the Russian Federation, the supreme courts of the republics, krais and oblasts, the City courts of Moscow and Saint Petersburg, the courts of the autonomous oblast and the autonomous okrugs, the district (urban) courts, and military tribunals. The Supreme Court of the Russian Federation is the highest legal body for civil, criminal, administrative and other cases, and for trial courts of general jurisdiction, and carries out judicial review of their activity (Constitution, art. 126).

31. The Russian legal system is constructed on the principle of two levels of authority, which signifies that judgements, verdicts, decisions and rulings of a judge that have not become legally effective may be appealed against only once and only directly to a higher court. There is no appeal against the judgements, verdicts and rulings of the supreme courts of the republics. Courts of first instance, courts of cassation and review courts are distinguished in civil and criminal proceedings; review courts consider appeals against judgements, verdicts, decisions and rulings that have become legally effective.

32. Special courts - the Constitutional Court, the competence of which is laid down in the Constitution (art. 125), and the High Court of Arbitration - have a particular place in the judicial system. The activity of the Constitutional Court in defence of the rights and freedoms of citizens has provided Russia with new experience in this sphere.

33. The Procurator's Office of the Russian Federation, which is a centralized system in which procurators at the lower levels are subordinate to those at higher levels and to the Procurator General of Russia, supervises compliance with the law in Russia. Reduction of the duties of the Procurator's Office to the powers of a public prosecutor is being proposed in accordance with the Concept of Legal Reform of 24 October 1991.

III. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

34. Protection for human rights is provided in Russia by the following courts and other bodies:

Courts of general jurisdiction: the Supreme Court of the Russian Federation, the supreme courts of the republics, the krai and oblast courts, the courts of cities with federal status, the courts of the autonomous oblast and the autonomous okrugs, and district (urban) courts;

Military courts (military offences, disciplinary breaches and civilian cases referred to them);

The Constitutional Court of the Russian Federation (complaints about infringements of the constitutional rights and freedoms of citizens, clarification at the request of courts of the constitutionality of the law applied or to be applied to a specific case);

The High Court of Arbitration of the Russian Federation and the courts of arbitration of the subjects of the Russian Federation (economic disputes and other matters within their competence);

The Procurator's Office of the Russian Federation (supervision of compliance with the law);

The Court of Appeal of the President of the Russian Federation for information disputes (ensuring the constitutional rights of citizens and observance of their legal interests in the sphere of information);

Bodies involved in the examination of cases concerning administrative offences; internal affairs (militia) bodies, administrative commissions of the executive bodies of local government, bodies for juvenile cases, transport bodies, bodies of the State inspectorate (technical, sanitary, epidemiological, mining, aviation and other inspectorates).

35. Programmes and decisions that have a bearing on human rights are considered and decided upon by the President and Government of the Russian Federation, by the administrative offices of the executive authority and by interdepartmental and other commissions with a general federal remit. The Presidential Human Rights Commission established by Presidential Decree No. 1798 of 1 November 1993 is entrusted with carrying out the powers of the President as guarantor of human rights and freedoms; the Commission's Statute specifies that its main duties concerning respect for and observance of human rights and freedoms in Russia, defence of the rights of Russian citizens who are outside the country, and their protection, and the strengthening of international cooperation in this sphere. A Citizenship Board has been established in the Office of the President to handle the affairs of the Presidential Commission on Citizenship in carrying out a common State policy on citizenship (Presidential Decree No. 550 of 17 March 1994).

36. All persons within the territory of Russia are entitled to have recourse to judicial, administrative or non-judicial means of defending their rights in any manner not prohibited by the law (Constitution, art. 45). "The rights of victims of crimes or abuse of authority shall be safeguarded by the law. The State shall ensure that victims have access to justice and compensation for damage caused" (art. 52); "Every person shall have the right to be compensated by the State for damage caused by the illegal acts (or the inactivity) of the authorities or their officials" (art. 53).

37. Protection of the rights of members of the armed services is effected by use of the legal facilities in the normal way: from invoking the provisions of the military regulations to recourse to the military courts. The Status of Members of the Armed Services Act lays down the responsibility of members of the armed services for infringements of the law.

38. A reform of the courts and the legal system is currently being carried out in Russia in accordance with the principles of a democratic State subject to the rule of law. The underlying principles of the reform are set out in the Concept of Judicial Reform in the RSFSR (Decree of the Supreme Soviet of the RSFSR "Concept of Judicial Reform in the RSFSR", dated 24 October 1991), which affirmed, in particular, the role of the judiciary in the defence and undeviating observance of human rights and freedoms.

39. International standards in the sphere of human rights, as set out in the international agreements of a universal nature to which Russia is a party, are reflected in the Constitution of Russia in Chapter 1, "Fundamentals of constitutional order" and Chapter 2, "Human and civil rights and freedoms".

40. The human and civil rights and freedoms for which provision is made in the Constitution may be restricted by federal law only to the extent required for the purposes of protecting the fundamentals of constitutional order, morals and the health, rights and lawful interests of other persons and

ensuring the defence of the country. For example, when a state of emergency is introduced to ensure the safety of citizens and protect the constitutional order, the measure should be carried out in accordance with the States of Emergency Act, dated 17 May 1991, which lays down the limits and duration of its effect (see also in relation to art. 4 of the Covenant). A number of restrictions apply to members of the armed forces and to foreigners (see also in relation to arts. 2, 6, 12, 18, 19, 21 and 25 of the Covenant). Individual civil rights may also be restricted as a punishment measure, as laid down in the Criminal Code for the perpetration of certain crimes. Thus, for example, articles 156-6 and 157 of the Criminal Code make provision not only for the serving of a sentence in a place of detention, but also, as an alternative measure, for persons convicted under the terms of these articles to be condemned to temporary loss of the right to occupy particular posts or to carry out a particular activity.

41. The primacy of international law is guaranteed in the Constitution and legislation of Russia: "Universally acknowledged principles and rules of international law and the international agreements of the Russian Federation shall be an integral part of its legal system. Should other rules than those provided by the law be established by an international agreement of the Russian Federation, the rules of the international agreement shall be applied" (art. 15); "Human and civil rights and freedoms shall be recognised and guaranteed in the Russian Federation in accordance with the universally acknowledged principles and rules of international law and in conformity with this Constitution" (art. 17); "The enumeration of fundamental rights and freedoms in the Constitution of the Russian Federation shall not be interpreted as a denial of or detraction from other generally recognized human and civil rights and freedoms" (art. 55).

42. The international and inter-republican obligations of Russia may be instanced in courts and in administrative bodies in cases in which these agreements modify the rules laid down in the legislation of Russia and if these agreements have come into force in relation to Russia. In accordance with article 56 of the Judicial System of the RSFSR Act, the Supreme Court is the body competent to decide matters arising from international agreements.

43. The creation in accordance with the Constitution (art. 103e) of the office of Commissioner for Human Rights operating in accordance with federal constitutional law (no Act has yet been adopted) is intended to give practical effect to new democratic ways of providing non-judicial protection for human rights in Russia. S.A. Kovalev, who is an eminent defender of human rights and a deputy of the State Duma of Russia, has been appointed as the Commissioner. General supervision of compliance with international undertakings in the sphere of human rights is carried out by the Russian Ministry of Foreign Affairs. There are several interdepartmental commissions in existence and in operation that monitor compliance with these undertakings in particular spheres. In 1993, for example, a Russian governmental commission was established to coordinate operations in connection with compliance with the Convention on the Rights of the Child and the World Declaration on the Survival, Protection and Development of Children.

44. In accordance with Decree of the Supreme Soviet of the RSFSR No. 2014/1, dated 12 December 1991, the rules of Soviet legislation are applicable in the territory of Russia in so far as they are not at variance with the Constitution and legislation of Russia.

45. Draft legislation is currently being prepared in accordance with Governmental Decree No. 62, dated 31 January 1994, on "Provisions for Implementation of Presidential Decree No. 2288, dated 24 December 1993, on 'Measures to Bring the Legislation of the Russian Federation into Line with the Constitution of the Russian Federation'". This draft legislation is being subjected to expert scrutiny to ensure its conformity to international standards. This expert scrutiny is being conducted with the assistance of specialists from the United Nations Centre for Human Rights and the Council of Europe in accordance with the Memorandum of Intent of 19 November 1993 between the Government of Russia and the United Nations on technical assistance programmes in the sphere of human rights and the Programme of Joint Activities of the Russian Federation and the Council of Europe approved in April 1993.

IV. INFORMATION

46. In order that the population of the country shall be widely informed concerning international acts in the sphere of human rights, their texts are reproduced in various official publications: in the Bulletin of International Agreements, issued by the Ministry of Foreign Affairs, and in the Diplomatic Herald [Diplomaticheskiy Vestnik] and as separate publications. The official publication of legislative acts is governed by Presidential Decree No. 662, dated 5 April 1994, on "Procedure for the Publication and Bringing into Force of Federal Acts". A start has been made with informing the general public on human rights and with teaching children the principles of human rights. A mass edition of "An ABC of Human Rights" has been published for children. Human rights departments have been established in a number of higher educational institutes.

47. The draft Constitution was published in many newspapers and as a separate brochure before its adoption and was widely discussed in the press and on the radio and television. After its adoption on 12 December 1993 the Constitution appeared in various publications and was also issued as a brochure.

48. Preparations began in 1993 for the publication, with the assistance of the United Nations Centre for Human Rights, of the journal "Defender of Rights" [Pravozashchitnik], with the intention of disseminating the ideas of human rights in the country. It is increasingly the practice for departmental reports containing information on the defence of human rights in Russia to be published. In 1994, for example, there appeared the "Report of the Ministry of Internal Affairs to the Citizens of Russia".

49. Periodic reports are prepared by the joint efforts of the ministries and departments responsible for the implementation of particular undertakings in this sphere, with coordination provided by the Ministry of Foreign Affairs of Russia. The most authoritative NGOs are involved in discussing the reports.

50. Submission of this report was deferred in connection with the adoption of the new Constitution of the Russian Federation in December 1993.

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